

CV 13 2994

FILED  
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U.S. DISTRICT COURT E.D.N.Y.

X ★ MAY 21 2013 ★

**SUMMONS ISSUED**  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Sandra MaceR

LONG ISLAND OFFICE

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Bertucci's Corporation

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

X

**COMPLAINT**

Jury Trial: Yes  No

**BIANCO, J.**

**LINDSAY, M**

**I. Parties in this complaint:**

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:

Name Sandra MaceR  
Street Address 20 Holland St  
County, City Melville, N.Y.  
State & Zip Code 11747  
Telephone Number (631) 470-2160

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1	Name _____
	Street Address _____
	County, City _____
	State & Zip Code _____
	Telephone Number _____
Defendant No. 2	Name _____
	Street Address _____
	County, City _____
	State & Zip Code _____
	Telephone Number _____
Defendant No. 3	Name _____
	Street Address _____
	County, City _____
	State & Zip Code _____
	Telephone Number _____
Defendant No. 4	Name _____
	Street Address _____
	County, City _____
	State & Zip Code _____
	Telephone Number _____

**II. Basis for Jurisdiction:**

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)

Federal Questions

Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Civil Rights Act (1964) Public Law  
Title 2 - Unlawful Discrimination in places  
of public accommodation.

- C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

**III. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur?

Via the telephone. See attached.

B. What date and approximate time did the events giving rise to your claim(s) occur?

April 8, 2011 I called Bestuccis to make a reservation for my mom's 70th birthday party.

C. Facts:

What happened to you?

\_\_\_\_\_

\_\_\_\_\_

Who did what?

\_\_\_\_\_

\_\_\_\_\_

Was anyone else involved?

\_\_\_\_\_

\_\_\_\_\_

Who else saw what happened?

\_\_\_\_\_

\_\_\_\_\_

**IV. Injuries:**

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Mental anguish. Treated  
like a second class citizen.  
I was guilty of being black.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

I am seeking  
1 million dollars in compensation.

I have suffered mentally every day.  
I was treated less than a person. I was told parties disrupts  
the flow of the restaurant.

They did not allow me to have a party  
based on linguistic profiling.

I am black and am deeply hurt  
over the years.

They would not accept a reservation  
for 20 people.

We had to go to Bertucci's in Westbury

I declare under penalty of perjury that the foregoing is true and correct.

X Signed this 20<sup>th</sup> day of May, 2013

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

Sandra Macer  
80 Holland St  
Melville, NY  
11747  
(631) 470 - 2160

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.